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SENSITIVE

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SUBJECT: BRAZIL GENERALLY SUPPORTS CREATING NUCLEAR SUPPLIERS GROUP EXCEPTION FOR INDIA, HAS SOME CONCERNS

REF: SECSTATE 85948

**¶1.** (U) THIS CABLE IS SENSITIVE BUT UNCLASSIFIED AND NOT FOR INTERNET DISTRIBUTION.

**¶2.** (SBU) Summary. At an August 14 meeting with Environment, Science and Technology Counselor, the Brazilian Ministry of External Relations' (MRE) Director of the Division for Disarmament and Sensitive Technologies (DDS), Min. Santiago Irazabal Mourao, emphasized Brazil's overall support for creating an exception for India in the Nuclear Suppliers Group (NSG) full-scope safeguards provision. Brazil did have specific concerns about Paragraph 2 (chapeau) of the draft text and suggested dropping or revising Paragraph 4. Mourao said the best way forward would be to make the August 21-22 NSG Plenary a drafting session and have a follow up meeting to adopt it. END SUMMARY.

**¶3.** (SBU) Environment, Science and Technology (EST) Counselor met on August 14 with the Brazilian Ministry of External Relations' (MRE) Director of the Division for Disarmament and Sensitive Technologies (DDS), Min. Santiago Irazabal Mourao, and Fabio Simao Alves, Nuclear Affairs Officers in DDS, to urge Brazil's support - per reftel - for a quick and positive outcome at the August 21-22 Nuclear Suppliers Group (NSG) Plenary. Mourao will go to the NSG Plenary.

#### SUPPORTIVE OF AN EXCEPTION FOR INDIA

**¶4.** (SBU) Mourao said that Brazil endorses the concept of creating an exception for India to the NSG's full-scope safeguards provision. Further, he liked the proposed procedure of using a Presidential Statement. Brazil would be ready to join a consensus. (Note. In a similar vein, MRE's Director of the Department for International Organizations, Min. Carlos Sergio Sobral Duarte, who oversees Mourao's division, told visiting Acting Deputy Secretary of Energy Jeffrey Kupfer at an August 6 meeting that Duarte had recently met with senior Indian officials and told them that Brazil wanted to help them on the NSG exception issue. End Note.)

**¶5.** (SBU) Moreover, Mourao recognized that the USG was seeking to move rapidly on this matter. He noted that the time pressure on the USG was different from that on Brazil. For Brazil's part, all that would be needed to create an exception for India under domestic law and regulations would be a Presidential decree. That said, however, Mourao stated Brazil does want to move on this matter in an expeditious manner.

**¶5.** (SBU) The draft text of the statement, which Mourao knew by memory, was generally something that Brazil could endorse. He had two changes that Brazil wanted to be made in the text. Mourao said he had talked very recently with the Chair of the NSG Consultative Group to discuss these points.

CHANGES SOUGHT IN CHAPEAU OF PARAGRAPH 2 AND PARAGRAPH 4

¶16. (SBU) Mourao explained that Brazil seeks a change in the chapeau of Paragraph 2, which provides that the NSG welcomes "India's efforts with respect to the following NONPROLIFERATION COMMITMENTS and ACTIONS". Subparagraph 2(c) concerns signing an adhering to an Additional Protocol. Mourao highlighted that Brazil has not signed an Additional Protocol. He said the current implication in Paragraph 2 is that signing an Additional Protocol constitutes a "nonproliferation commitment". This could suggest that Brazil - without an Additional Protocol - is not fully supportive of nonproliferation efforts. Mourao had no objection to welcoming India taking the "action" of signing an Additional Protocol.

¶17. (SBU) Moreover, Mourao said Brazil had concerns about subparagraph 2(d) which relates to transfer of enrichment and reprocessing technologies. Again, he didn't want this referred to as a "nonproliferation commitment" though calling it an action taken by India would be acceptable. He felt confident that satisfactory language could be worked out in the chapeau of Paragraph 2.

¶18. (SBU) Mourao raised one other specific item, though he did not press strongly, with respect to Paragraph 4, regarding non-member adherents. He understood the intent of the paragraph and was fine with as far as it went. He thought, however, that it would produce a significant amount of discussion by others. He said it might be better to leave it out altogether. Mourao did not offer any specific changes to Paragraph 4.

THE WAY FORWARD

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¶19. (SBU) Mourao said that he thought the best and quickest way to proceed would be to make the August 21-22 Plenary a drafting session. He envisioned a number of countries coming with proposal to change the draft text and these would be worked out. After a drafting session, a follow up session could be held to approve the results. Brazil for one would be going to the August 21-22 Plenary ready and willing to participate in working to prepare a satisfactory draft.

¶110. (SBU) He noted that some countries with concerns about the India exception were consulting with each other in anticipation of the upcoming Plenary, but that Brazil was not in the loop because it was seen by others as already being in favor. The big question mark for Mourao was China. He said he could not tell which way China would go. (Note. The British and French are planning to jointly demarche Mourao along the lines of the USG demarche. End Note.)

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